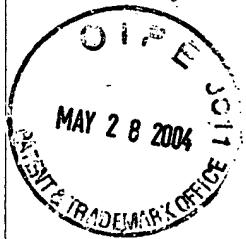


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PATENT APPLICATION Docket No: 15420.49.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of)

Gerald Nelson)

Serial No.: 10/788,799)

Filed: February 27, 2004)

Confirmation No.: Unknown)

For: INCLINE ASSEMBLY WITH CAM)

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TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

Statement of relevance of selected cited references not in the English language which are not translated.

Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.

Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- Form PTO-1449 listing 51 references submitted for consideration.
- Copies of the 3 "other" references listed on the Form PTO-1449.
- English translations as indicated on the Form PTO-1449 of the references which are not in the English language.
- Copies of the following documents from the prosecution of a previous, related application:
 - Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
 - Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
 - Promptness Certification; or
 - Credit Card Form PTO 2038 in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III. After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
 - Promptness Certificate;
 - Petition for Consideration; and

— Check No. in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. — After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

— Petition to Withdraw from Issue; and

— Check No. _____ in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

— The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

— The submission fee set forth in 37 C.F.R. § 1.17(p).

— The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 24 day of May, 2004.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicant
Registration No. 39,166
Customer No. 022913



PATENT APPLICATION
Docket No: 15420.49.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
Gerald Nelson)
Serial No.: 10/788,799)
Filed: February 27, 2004)
Confirmation No.: Unknown)
For: INCLINE ASSEMBLY WITH CAM)

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Mail Stop – AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record

believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 24 day of May, 2004.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicant
Registration No. 39,166
Customer No. 022913

DBD/lrc
LC0000001193V001



PATENT APPLICATION
Docket No: 15420.49.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
Gerald Nelson)
Serial No.: 10/788,799)
Filed: February 27, 2004)
Confirmation No.: Unknown)
For: INCLINE ASSEMBLY WITH CAM)

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 24 day of May, 2004:

- Transmittal for Information Disclosure Statement (3 pgs.)
(in duplicate)
- Information Disclosure Statement (2 pgs.)
- Form PTO-1449 (5 pages)
- Copies of 3 references
- Postcard

Respectfully submitted,

Linda Clark, Assistant to
David B. Dellenbach
Attorney for Applicant
Registration No. 39,166
Customer No. 022913

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

MAY 28 2004

ATTY DOCKET NO.

15420.49.1

SERIAL NO.

10/788,799

Gerald Nelson

FILING

February 27, 2004

GROUP

Unknown

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
1		D348,493	7/5/94	Ashby	D21	192	
2		3,592,466	7/13/71	Parsons	482	53	
3		3,602,502	8/13/71	Hampl	272	69	
4		4,151,988	5/1/79	Nabinger	272	69	
5		4,544,152	10/1/85	Taitel	272	69	
6		4,659,074	4/21/87	Taitel, et al.	272	69	
7		4,659,078	4/21/87	Blome	272	128	
8		4,687,195	8/18/87	Potts	272	69	
9		4,759,540	7/26/88	Yu, et al.	482	54	
10		4,842,266	6/27/89	Sweeney, Sr., et al.	272	69	
11		4,848,737	7/18/89	Ehrenfield	272	70	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

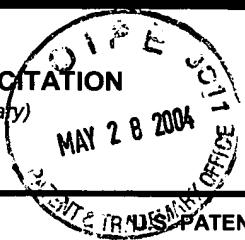
	1	Damark International, Inc. Mail Order Catalog, dated November 17, 1994, cover page and page 6.
	2	Sears, Roebuck and Co., Pro-Form 585 TL Low Profile Treadmill, User's Manual, Copyright 1996 (20 pages).

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)



ATTY DOCKET NO.
15420.49.1

SERIAL NO.
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FILING
February 27, 2004

GROUP
Unknown

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
12		4,927,136	5/22/90	Leask	272	69	
13		5,062,632	11/5/91	Dalebout, et al.	482	7	
14		5,088,729	2/18/92	Dalebout	482	54	
15		5,145,475	9/8/92	Cares	482	52	
16		5,195,935	3/23/93	Fencel	482	70	
17		5,328,420	7/12/94	Allen	482	52	
18		5,328,422	7/12/94	Nichols	482	52	
19		5,352,166	10/4/94	Chang	482	52	
20		5,382,209	1/17/95	Pasier, et al.	482	70	
21		5,512,025	4/30/96	Dalebout, et al.	482	6	
22		5,518,471	5/21/96	Hettinger, et al.	482	54	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	3	Treadmill Owner's Manual by Formula 22100 Manual Treadmill, upon information and belief, available at least as early as 1998, 20 pgs.

EXAMINER	DATE CONSIDERED
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Unknown

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
23		5,527,245	6/18/96	Dalebout, et al.	482	54	
24		5,626,539	5/6/97	Piaget, et al.	482	54	
25		5,674,453	10/7/97	Watterson, et al.	482	54	
26		5,733,228	3/31/98	Stevens	482	54	
27		5,743,833	4/28/98	Watterson, et al.	482	54	
28		5,810,696	9/22/98	Webb	482	52	
29		5,827,155	10/27/98	Jensen, et al.	482	54	
30		5,833,577	11/10/98	Hurt	482	54	
31		5,860,893	1/19/99	Watterson, et al.	482	54	
32		5,860,894	1/19/99	Dalebout, et al.	482	54	
33		5,899,834	5/4/99	Dalebout, et al.	482	54	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
34		6,013,011	1/11/00	Moore, et al.	482	54	
35		6,033,347	3/7/00	Dalebout, et al.	482	54	
36		6,045,490	4/4/00	Shafer, et al.	482	54	
37		6,050,921	4/18/00	Wang	482	54	
38		6,050,923	4/18/00	Yu	482	54	
39		6,053,844	4/25/00	Clem	482	8	
40		6,068,578	5/30/00	Wang	482	54	
41		6,110,076	8/29/00	Hurt	482	54	
42		6,132,340	10/17/00	Wang, et al.	482	54	
43		6,174,268 B1	1/16/01	Novak	482	54	
44		6,179,753 B1	1/30/01	Barker, et al.	482	54	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				ATTY DOCKET NO. 15420.49.1		SERIAL NO. 10/788,799		
				Gerald Nelson				
				FILING February 27, 2004		GROUP Unknown		
U.S. PATENT DOCUMENTS								
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
45		6,231,482 B1	5/15/01	Thompson	482	37		
46		6,234,936 B1	5/22/01	Wang	482	54		
47		6,280,362 B1	8/28/01	Dalebout, et al.	482	54		
48		6,312,363 B1	11/6/01	Watterson, et al.	482	54		
FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>								
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